IN RE: PETITION FOR ADMIN. VARIANCE * BEFORE THE

S/S John Carroll Road, 2,221.98'E

of the c/l of Blendon Road * ZONING COMMISSIONER

(11329 John Carroll Road)

4th Election District * OF BALTIMORE COUNTY

3rd Councilmanic District

* Case No. 98-443-A

Robert B. Bank Petitioner

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Administrative Variance filed by the owner of the subject property, Robert B. Bank. The Petitioner seeks relief from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure (detached garage) to be located in the front yard in lieu of the required rear yard. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. The subject property having been posted and there being no requests for a public hearing, a decision shall be rendered based upon the documentation contained within the case file. Based upon the information available, there is no evidence in the file to indicate that the requested variances would adversely affect the health, safety or general welfare of the surrounding community and should therefore be granted. In the opinion of the Zoning Commissioner, the information, pictures, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

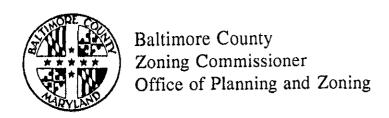
ORDER RECEIVE FILING
Date
Office
Sy

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.

LAWRENCE E. SCHMIDT Zoning Commissioner for Baltimore County

LES:bjs



Suite 112, Courthouse 400 Washington Avenue Towson, Maryland 21204 (410) 887-4386

June 19, 1998

Mr. Robert B. Bank 3 Wyndam Court Lutherville, Maryland 21093

PETITION FOR ADMINISTRATIVE VARIANCE

S/S John Carroll Road, 2,221.98'E of the c/l of Blendon Road

(11329 John Carroll Road)

4th Election District - 3rd Councilmanic District

Robert B. Bank - Petitioner

Case No. 98-443-A

Dear Mr. Bank:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Administrative Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Permits and Development Management Office at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT Zoning Commissioner

for Baltimore County

LES:bjs

cc: People's Counsel





Contract Purchaser/Lessee

ESTIMATED POSTING DATE:

(Type or Print Name)

ORDER RECEIVE

Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at

11329 John Carroll Road Owings Mills, MD which is presently round PC5 21117

Zoning Commissioner of Baltimore County

ITEM #: 443

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 400.1 (BCZR) to allow an accessory to be located on the front yard in lieu of the required rear yard.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)

Due to the narrow site configuration and extremely limiting grading conditions, we propose to construct a garage within the area technically known as the front yard. Two exposures to the golf course and restriction setbacks prohibit locating the garage in the rear yard.

We do solemnly declare and affirm, under the penelties of pe legal owner(s) of the property which is the subject of this Patrio

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filling of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimbre County adopted pursuant to the Zoning Law for Baltimore County

Legal Owner(s)

		· · · · · · · · · · · · · · · · · · ·	
Address			(Type or Print Name)
City	State	Zipcode	Signature
Astorney for Petitioner			
(Type or Pant Name)			3 Wyndam Court 410 561 3204
Signature			Lutherville, Maryland 21993. City Name. Address and phone number of representative to be contacted
Address	Phone No		Laura Thul Penza, AIA
City	Siale	Žipcode	<u>Penza Associates Architects</u> , Inc.
			2203 North Charles St. Baltimore, MD 212

Printed with Saybean Ink on Recycled Paper

Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to leatify thereto in the event that a public hearing is acheduled in the future with regard thereto.

3 Wyndam Court
That the Attiant(s) goodant prescripty sensors
Lutherville, Maryland 21093
City State Type Code
That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address: (nefeats hardenly or practical difficulty)
Due to the narrow site configuration and extremely
_limiting_grading_conditions - we propose to construct
a garage within the area technically known as the front
yard. Two exposures to the golf course and restriction
setbacks prohibit locating the garage in the rear yard.
That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information [alignature] [alignature] [Argue or print name]
STATE OF MARYLAND, COLINTY OF BALTIMORE, to wit. 1 HEREBY CERTIFY, this day of Adul, 19 %, before me, a Notary Public of the State of Maryland, in and for the County atoresaid, personally appeared 10 BERT 3. BANK
for any control in the form of law
the Affiants(s) herein, personally known or satisfactorily identified to me as such Affiants(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief AS WITNESS my hand and Notarial Seal We Commission Expires: My Commission Expires:

443



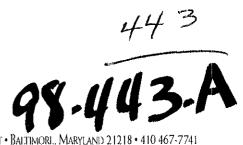


Zoning Description for: 11329 John Carroll Road Owings Mills, MD 21117

Beginning at a point at the center of the cul-de-sac of John Carroll Road, S 20° 20'00" E 386.64', S 22° 25'31" 341.77", N 56 10'07"W 46.65', N 50 32"27"W 196.89', S 10 15'00"W 131.43', S 61 00'00"W 70.87', S 15°35'00"W 377.55 to the place of beginning.

Being Lot #9 in the subdivision of Caves Valley as recorded in Baltimore County Plot Book S.M 63165, containing +/- 106, 144 S.F. (+/- 2.44 acres).

Also known as 11329 John Carroll Road in the District 4C3.



DATE_ OFFICE OF BUDGET & FINANCE RECEIVED MISCELLANEOUS RECEIPT BALTIMORE COUNTY, MARYL WHITE - CASHIER PINK - AGENCY ACCOUNT AMOUNT \$ 50 YELLOW - CUSTOMER U Then No. 448 0 Correll はならいではなり i S AND COUNTY OF THE COUNTY OF TH Settler cate water . CASHER'S VALIDATION

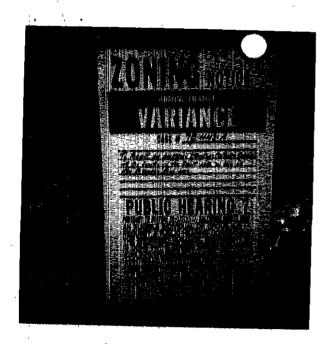
CERTIFICATE OF POSTING

Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, Maryland 21204

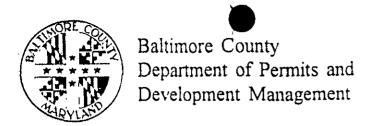
Attention: Ms. Gwendolyn Stephens

Ladies and Gentleman:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by								
aw were posted conspicuously on the property located at								
1329 John Carroll Road Baltimore, Maryland 21117								
The sign(s) were posted onMay 29, 1998(Month. Day, Year)								



Sincerely, Olander & Signature of Signature & Date)
Thomas P. Ogle, Sr
325 Nicholson Road
Baltimore, Maryland 21221
(410)-687-8405 (Telephone Number)



Development Processing County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

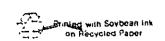
Baltimore County zoning regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of which, lies with the petitioner/applicant) and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with this requirement.

Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

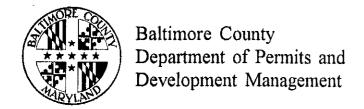
ARNOLD JABLON, DIRECTOR
For newspaper advertising:
Item No.: 443
Petitioner: Robert BAAK
Location: 11329 John Carroll Rd (21117)
PLEASE FORWARD ADVERTISING BILL TO:
NAME: PENZA ASSEC, ARUSTECTS, INC.
ADDRESS: 2703 N. CHARLES STREET
BALDMORE, MD 21218
PHONE NUMBER: (410) 467-7741
AJ:ggs



(Revised 09/24/96)

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case	Number	98-	443	-A	Address _	11329	John	Carro	// Ra	<u>ا</u>
Conta	ict Perso	n:	<i>Je</i> Planner	Please Print Your N	diven ame		Phone Nu	ımber: 41	0-887-3:	391
Filing	Date: _	5-	19-98	_ Posti	ng Date: _	5-31-98	Closi	ng Date:	6-15-	98
Any o	contact n gh the co	nade ntact	with this off person (plan	ice regarding ner) using the	the status	s of the adr ber.	ninistrative	variance	should	be
1.	reverse repostin is again	side g mu resp	of this form) st be done o onsible for a	titioner must uand the petit and the petit nly by one of a ill associated posting date n	ioner is res the sign po costs. The	sponsible for sters on the e zoning not	all printin approved ice sign m	g/posting (list and th lust be vis	costs. <i>A</i> e petitio ible on	Any ner the
2.	a forma	ıl req	uest for a p	date is the deaublic hearing. g, the process	Please u	understand t	hat even	if there is) feet to no forr	file nai
3.	commiss order th (typically	sione at th with	r. He may: e matter be iin 7 to 10 da	ng date, the i (a) grant the set in for a lys of the clos hearing. The	requested public hea ing date) a	relief; (b) d aring. You s to whether	eny the re will receiv the petition	equested re e written on has bee	elief; or notificat en grante	(c) ion
4.	(whethe commiss changed	r due sione I givir certifi	e to a neighl r), notification ng notice of t	RING AND RI bor's formal r n will be forw he hearing da change and a	equest or varded to te, time an	by order of you. The s d location. A	the zonii sign on th As when th	ng or dep ne propert ne sign wa	uty zoni y must s origina	ing be ally
	(Detach Along Dotted Line)									
Petitic	ner: Th	is Pa	rt of the For	m is for the S	ign Poste	r Only				
			USE THE A	DMINISTRAT	IVE VARIA	ANCE SIGN	FORMAT			
Case i	Number	98-	443 -A	Addres	ss <u>//3</u>	29 Joh.	Car	roll R	d	
Wordii	ng for Sig	jn:	To Permit	an acce	350ry 5	tructure	e (des	tached g	arage	7
10	beloc	cate	ed in th	an acce e front	yard i	n liev g	ethe	NEQUIX	ed	
rec	ir yar	d:			-	· · · · · · · · · · · · · · · · · · ·				
·			·			 			·	



Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

June 15, 1998

Laura Thul Penza, ATA
Penza Assocciates Architects, Inc.
2203 N. Charles Street
Baltimore, MD 21218

RE: Item No.: 443

Case No.: 98-443-A Petitioner: Robert Bank Location: 11329 John Carroll

Road

Dear Ms. Penza:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on May 18, 1998.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

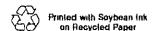
If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Gwendolyn Stephens in the zoning office (410-887-3391).

Sincerely,

W. Carl Richards, Jr.

Zoning Supervisor

WCR:ggs
Attachment(s)



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits
and Development Management

DATE: June 8, 1998

FROM: Arnold F. "Pat" Keller, III, Director

Office of Planning

SUBJECT: Zoning Advisory Petitions

The Planning Office has no comments on the following petitions (s):

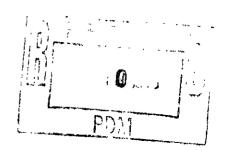
Item Nos. 443, 444, 445, 450, 452, 455, 456, 462, 464, and 465

If there should be any questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at (401) 887-3495.

Prepared by:

Division Chief:

AFK/JL





Parris N. Glendening Governor David L. Winstead Secretary Parker F. Williams Administrator

Ms. Gwen Stephens
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County 4.6.5 / Item No. 4.4.3

Dear Ms. Stephens:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Thank you for the opportunity to review this item.

Very truly yours,

/ Ronald Burns, Chief

Engineering Access Permits

P. J. Dolle

Division

LG

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

Department of Permits & Development

Date: June 23, 1998

Management

FROM:

WRobert W. Bowling, Chief

Development Plans Review Division

SUBJECT:

Zoning Advisory Committee Meeting

for June 15, 1998-

Item Nos. 442, 443, 444, 445, 450, 451, 452, 453, 454, 455, 457, 458.

459, 462, 463, 464, 465

Use Permit for Farmer's Roadside Stand

John D. Barone & Beverlae Barone E/S York Road, 260' S of Sparks Road

(14943 York Road)

16844 Wesley Chapel Road Case No. 98-381-SPHA

1820 Clearwood Road Case No. 98-438-SPHA

Hereford Plaza

Case No. 97-308-SPHA

The Development Plans Review Division has reviewed the subject zoning items, and we have no comments.

RWB:HJO:jrb

cc: File

2910 Blendon Road Owings Mills, Maryland 21117 410 356 1313



December 11, 1997

Sent via Messenger

Mr. Robert B. Bank Ms. Susan Palmer 3 Wyndam Court Lutherville, MD 21093

Dear Bob and Susan:

On behalf of the Architectural Review Committee of Caves Valley Golf Club, I am pleased to inform you that the Committee has given preliminary approval to the December 4, 1997 Building Plans prepared by Penza Associates Architects, Inc. and the November 18, 1997 Landscape Plans prepared by Bob Jackson Landscapes, Inc. for construction of your home on Lot 9 at Caves Valley Golf Club. Final approval, as defined in Section II.3 of the Caves Valley Club Policies Regarding Design Approvals, will be contingent on satisfactory review of the following open items:

- · Details of the dormer trim
- · Final site lighting
- Details of down spouts
- Review of a stone sample on-site

Enclosed is a fully executed contract for the purchase of Lot 9. We look forward to settlement next week.

We are pleased to have the two of you as residents at Caves Valley. If you have any questions regarding any of the above items, please don't hesitate to call me. Best regards.

Sincerely,

CAVES VALLEY CLUB, INC.

Vancy S. Palmer Seneral Manager

Enclosure

(443)

98.443-A

2910 Blendon Road Owings Mills, Maryland 21117 410 356 1313



November 11, 1997

Mr. Robert B. Bank Ms. Susan Palmer 3 Wyndam Court Lutherville, MD 21093 #44

Dear Bob and Susan:

On behalf of the Architectural Review Committee of Caves Valley Golf Club, I am pleased to inform you that the Committee has given approval to the October 20, 1997 Site Plan submitted for construction of your home on Lot 9 at Caves Valley. We understand that the garage in this plan invades the HOA setback by approximately 50'. This approval is being given due to the following conditions:

- There are two easements which exist on this lot, a Public Access/Drainage and Utility Easement and a Well and Septic Easement.
- ♦ Because of these easements and including the land encompassed by these casements, the approved Site Plan reflects a 102' setback from the golf course on the 16th hole (only a 100' buffer is required by the covenants.) In addition, allowing this Site Plan improves the setback from the 17th hole.

Approval of this Site Plan is contingent upon satisfactory approval of the final massing of the building (specifically the back of the house), the colors of the house and the landscape plan (disturbance to property related to the golf course.) All of these areas will be reviewed at the next Architectural Review Committee meeting when the committee will render its decision regarding Preliminary Approval. Please let us know when you anticipate being ready for this meeting and we will schedule it as soon as possible. I am enclosing the section from the Caves Valley Policies Regarding Design Approval relative to Preliminary Approval for your information.

As per your request, we have reviewed the terms of the Private Access. Drainage and Utility Easement on Lot 9 defined by Section 5.04 of the Caves Valley Club Declaration of Covenants, Easements, Charges and Liens. This easement is not intended to be a "general maintenance" easement for the golf maintenance staff and will not be used for day-to-day maintenance of the golf course. It was also not intended to be used as a thoroughfare by Club employees or caddies for any purpose and all such use shall be curtailed no later than the Spring of 1998. Club Members who live on the property, however, may use the easement to

98-443-A

X

November 11, 1997 Mr. Robert B. Bank Page 2

travel to the practice range located behind the 4th hole. It is the Club's responsibility to maintain this easement and we will work with you during the construction process of your home to determine the most appropriate access to this easement and the maintenance thereof.

If you have any questions regarding any of the above items, please don't hesitate to call me. Best regards.

Sincerely,

CAVES VALLEY CLUB, INC.

Nancy S. Palmer General Manager

cc: Jack Machen Jay Lenrow

(H+3)

The Members of Caves Valley Golf Club have an exclusive opportunity to enjoy an area where nature, geography and creative planning have come together to produce a world class golf club and residential community of unparalleled quality and beauty.

The totally private community encompasses over 900 acres in Northern Baltimore. County with 450 acres deeded in perpetuity to the Maryland Environmental Trust.

The Club is offering for sale to its Members thirty-four single-family, wooded homesites ranging in size from two to eight acres.

Services provided by the Club embrace the highest standard of residential amenities:

Security guard protection twenty-four hours a day with both audio and visual communications connecting the homeowners to the gatehouse. Unoccupied units will be monitored by Club security personnel.

Property Maintenance which includes total lawn care (fertilization, leaf raking, mowing and irrigation) and snow removal from walks and driveways.

Catering available in-house to homeowners from the Club food and beverage personnel.

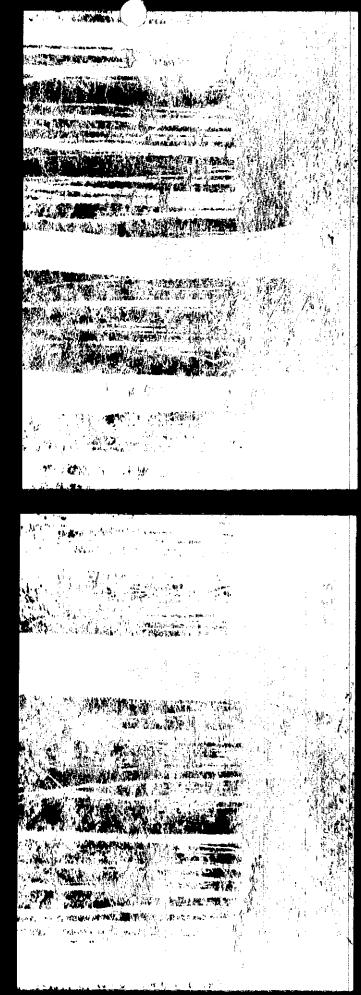
For more information, please call the Caves Valley Golf Club at (410) 356-1313.

48:tt.3.4



443



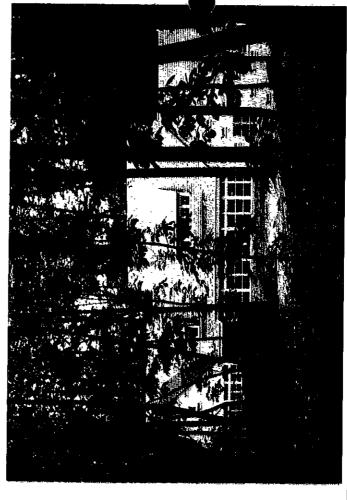


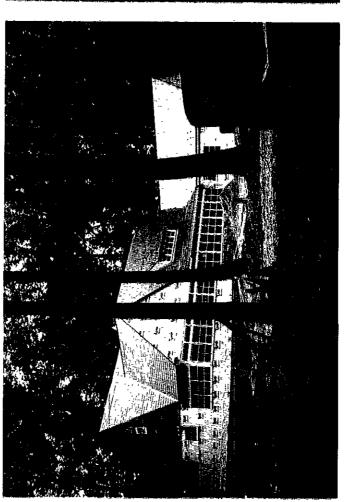
رحمدره

っちら

1329

98.443-A





Adjacent Nershbor to 11329 John Carroll Rd.
Owings Mills, 21117

(***) ****/

